

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

R.M.S. TITANIC, INC.,  
Successor-in-interest to Titanic  
Ventures, limited partnership,

Plaintiff,

v.

CIVIL ACTION NO. 2:93cv902

THE WRECKED AND ABANDONED VESSEL, ITS  
ENGINES, TACKLE, APPAREL,  
APPURTENANCES, CARGO, ETC., LOCATED  
WITHIN ONE (1) NAUTICAL MILE OF A  
POINT LOCATED AT 41 43' 32" NORTH  
LATITUDE AND 49 45' 49" WEST  
LONGITUDE, BELIEVED TO BE THE R.M.S.  
TITANIC, IN REM,

Defendant.

ORDER TO STAY

This matter comes before the court on the United States' Emergency Motion to Intervene ("Motion"), filed on June 8, 2020. ECF No. 614. Plaintiff R.M.S. Titanic, Inc. ("RMST") filed a Memorandum in Opposition to the Motion on June 22, 2020. ECF No. 625. In the meantime, the United States filed a Notice of Appeal on June 17, 2020, of this court's Opinion of May 18, 2020. ECF No. 618. Accordingly, the court **STAYS** any further rulings on this Motion. See Doe v. Public Citizen, 749 F.3d 246, 258 (4th Cir. 2014) (holding that the filing of a notice of appeal "divests a district court of jurisdiction to entertain an intervention motion").

The court notes that the appeal was filed before RMST's opportunity to timely respond to the Motion to Intervene had expired, and before this court had addressed the Motion. Yet, the United States unilaterally designated itself as an Intervenor for the appeal, without the benefit of a ruling from this court on the Motion, and despite having been an Amicus or Interested Party before the court in this case for at least two decades. This court now holds any ruling on the Motion to Intervene in abeyance, until such time as it is appropriate and ripe for consideration.<sup>1</sup>

The Clerk is **DIRECTED** to send a copy of this Order to counsel for all parties.

**IT IS SO ORDERED.**



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REBECCA BEACH SMITH  
SENIOR UNITED STATES DISTRICT JUDGE

June 23, 2020

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<sup>1</sup> The court does not consider this to be an "Emergency Motion," as designated by the United States. The only emergency is the one created by the delay of the United States. RMST's planned salvaged operation for August or September of 2020 was addressed as early as February 2020, at a hearing in this court. It was not until the court ruled on May 18, 2020, ECF No. 612, that the United States took any action to change its long-held status of Amicus to Intervenor, and then only after the court did not agree with its amicus position. As far as this court is concerned, the United States remains an Amicus in this case and cannot unilaterally declare itself as an Intervenor, without an opportunity for full briefing, a hearing, and all due consideration by the court in this decades-long and globally important salvage litigation.